Code of Practice for Operation of CCTV Enforcement Cameras in The London Borough Of Hammersmith & Fulham

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INTRODUCTION

1.1 Background

1.1.1 Since 1999 the London Boroughs and Transport for London have been using CCTV cameras to enforce traffic regulations. The introduction of enforcement of traffic regulations by CCTV cameras is one part of a wide-ranging programme of measures to improve the reliability and punctuality of public transport, reduce congestion and pollution. The aim of most traffic management measures, such as bus lanes and parking regulations is to give priority to certain groups of road users by excluding others during prescribed hours. The introduction of CCTV monitoring of traffic regulations is intended to reduce the level of contraventions and so reduce delays on the highway network.

1.1.2 An essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it will be operated. This Code of Practice ensures that issues such as privacy, integrity and fairness are properly dealt with. It sets a minimum standard which must be adhered to by all those authorities in London enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.

1.1.3 This Code of Practice is designed to operate within the framework of the relevant pieces of legislation and to complement the Statutory and Operational Guidance produced by the Department for Transport. If there are any contradictions between this document and the relevant legislation or guidance documents then those should take precedence.

1.2 Commitment and Responsibility

1.2.1 The London Councils Transport & Environment Committee supports this Code of Practice and the CCTV monitoring scheme, which it regulates. Permission to operate the scheme will be granted only to London local authorities, which commit to and take responsibility for its fair, legal and widespread implementation and its maintenance, review and improvement as appropriate within this Code of Practice.

1.2.2 Within this overall framework for London individual local authorities will operate separate monitoring schemes in conjunction with the local police and other partners. The addresses of the authorities responsible for operating these particular schemes are given in Appendix 1 paragraph 1.

1.2.3 All data shall be processed fairly and lawfully and the operators of the system will ensure that appropriate security measures shall be taken against unauthorised access to, alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

1.3 Code of Practice

<u>Key Purpose of Code</u>

1.3.1 This Code of Practice applies to the use of the CCTV systems for the purposes of enforcing parking and traffic regulations only.

1.3.2 This Code of Practice has been drawn up to ensure that the use of CCTV to monitor traffic is consistent throughout London and in accordance with current best practice. The Code ensures that issues such as privacy and integrity are properly respected. CCTV in public places must be operated with regard to the advice and guidelines issued by the Home Office, Police Scientific Development Branch, Local Government Association, Office of

Data Protection Registrar, the Local Government Information Unit the CCTV User Group and London Councils Traffic Camera Enforcement Group.

Availability of the Code to the Public

1.3.3 Copies of this Code of Practice are publicly available in accordance with the Local Government (Access to Information) Act 1985. The Code can be inspected at many addresses throughout London – the most local are given at Appendix 1 paragraph 2.

Monitoring and Review of Code

1.3.4 The operation of this Code will be regularly reviewed by each of the London local authorities operating CCTV monitoring. Authorities are required to report on CCTV operations as part of the annual report produced under the Traffic Management Act 2004. These reports will be made available for public inspection at the address given in Appendix 1 paragraph 3.

1.3.5 The London Councils Transport & Environment Committee will also monitor the scheme in respect of its wider operation across London.

Changes to Code

1.3.6 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practices. Changes to the Code will be classified as minor and major.

1.3.7 Minor changes are those that only affect the operation of the scheme locally and may only be made after the agreement of senior representatives of all parties concerned in the operation of the local scheme. Examples of minor changes are amending nominated officers or areas of application. Minor changes do not need to be reported to London Councils.

1.3.8 Major changes are those that affect more than one authority and usually involve a change in overall London policy. Major changes may only be made with the authority of the London Councils Environment & Transport Committee.

Detailed Objectives of Code

1.3.9 The Code of Practice has been designed to meet the following detailed objectives: -

- To satisfy the community that the camera enforcement system is being operated competently and honestly by its operators.
- To reassure the community over the privacy of private areas and domestic buildings.
- To ensure that operating staff are aware of and follow the correct procedures in the case of an ‘incident’.
- To use cameras as a deterrent and improve driver compliance with traffic regulations.
- To facilitate the detection and prosecution of offenders in relation to non-compliance with existing regulations.
- To assist with achieving the key objectives of other town centre CCTV schemes operated by the local authority.

Queries and Complaints about Code

1.3.10 Queries and complaints about this Code or its general operation should be sent to the address given in Appendix 1, Paragraph 4.

1.3.11 Queries or appeals against any specific Penalty Charge Notice (PCN) shall be made to the address shown on that PCN. Further details appear in paragraph 2.4.8.

2. THE OPERATION OF CCTV ENFORCEMENT CAMERAS

2.1 CCTV Camera Surveillance

2.1.1 Closed Circuit Television (CCTV) cameras operated by local authorities in public places are used for a wide variety of purposes including the prevention and detection of crime, protection of public and private property, town centre management, traffic monitoring and the enforcement of traffic regulations. A single CCTV camera may be used for a number of these purposes at different times of the day.

2.1.2 The CCTV cameras operated by a local authority may be owned or leased by that authority or by Transport for London. The police may also have access to some of the CCTV cameras owned and/or operated by the local authority and Transport for London. Each authority may use the cameras for any of the purposes specified in paragraph 2.1.1.

2.1.3 The cameras used for the enforcement of traffic regulations may be used for more general street surveillance when traffic restrictions are not in operation by the Police, TfL or by CCTV systems operated by other Departments of the local authority.

2.1.4 This Code of Practice specifically relates to the use of CCTV cameras when they are being used to enforce traffic regulations. It is supplemented by a procedural manual containing specific instructions on the use of the camera and recording equipment and control room procedures. Separate Codes of Practice exist covering the other purposes for which CCTV cameras are used.

2.1.5 Mobile, transportable and handheld cameras may be used within an area for the purposes of the enforcement of traffic regulations. The use of such cameras will be governed by this Code of Practice and any procedures ancillary to it.

2.2 The Legal Framework

<u>Legislation governing the operation of CCTV systems</u>

2.2.1 The operation of CCTV systems must be undertaken with due regard to the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000

<u>Legislation governing the enforcement of traffic regulations using CCTV cameras</u>

2.2.2 The enforcement of traffic regulations by CCTV cameras is regulated under the following legislation:

- Road Traffic Regulation Act 1984
- Road Traffic Offenders Act 1988
- Road Traffic Act 1991
- London Local Authorities Act 1996
- The Road Traffic Offenders (Additional Offences and Prescribed Devices) Order 1997
- London Local Authorities Act 2000
- The Transport for London (Bus Lanes) Order 2001
- London Local Authorities and Transport for London Act 2003
- Traffic Management Act 2004
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007

2.2.3 Together these Acts allow a London Local Authority to install structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders and to use the information provided by them, to serve a Penalty Charge Notice (PCN) on the registered keeper of a vehicle which contravenes the Traffic Regulations.

2.2.4 Relevant Traffic Regulation Orders must be made available on request.

2.2.5 Records of the keepers of vehicles that contravene traffic regulations will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

2.3 Enforcement of Traffic Regulations by CCTV

2.3.1 The primary objective of any CCTV camera enforcement system ('the system') is to ensure the safe and efficient operation of the road network by deterring motorists from breaking road traffic restrictions and detecting those that do. To do this, the system needs to be well publicised and indicated with lawful traffic signs.

2.3.2 In order to encourage compliance with traffic regulations the system enables fully trained staff:–

- to monitor traffic activity in accordance with relevant legislation and guidance, including this Code of Practice;
- to identify vehicle registration number, colour and type of unauthorised vehicles contravening traffic regulations;
- to support the serving of Penalty Charge Notices (PCNs) to the registered keeper of vehicles identified contravening the regulations;
- to record evidence of each contravention to ensure that representations and appeals can be fully answered;
- to enable timed and dated pictorial evidence of such unauthorised driving or stopping to be produced for adjudication or as information to the owner of such vehicles;
- to enable the despatch of a Civil Enforcement Officers and / or a secondary enforcement team for targeted enforcement of vehicles contravening traffic regulations.

2.3.3 The system is intended to view activity on public carriageways and footways. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

<u>Extensions and changes to the area surveyed</u>

2.3.4 The operating London local authority can extend or change the areas covered by the CCTV system subject to normal internal procedures.

<u>Signs</u>

2.3.5 Relevant camera enforcement signs should be displayed in areas where the system operates. The signs will not define the field of view of the cameras but will advise that CCTV camera enforcement is taking place in the area.

<u>Systems, Equipment and Enforcement</u>

2.3.6 This section gives a general description of systems and their uses. It is not exhaustive in nature, nor does it supersede or replace any legislative requirements.

2.3.7 CCTV enforcement systems fall into two generic types:

- Attended Systems
- Unattended Systems

2.3.8 These are currently used across three enforcement streams although not all system types can necessarily be used against all work streams.

- Parking
- Bus Lanes
- Moving Traffic

Attended System

2.3.9 Attended systems are operated in real time by a camera operator who views the images from roadside equipment. The operator may be located in a central control room or locally, such as a vehicle-based control room. Contraventions are observed by the operator and PCNs are issued primarily on the basis of the operator's observations and supported by the image recordings.

Unattended System

2.3.10 Unattended systems are automated CCTV systems which operate without operator intervention. They record contraventions from which PCNs are issued on the basis of the recorded images. The recorded images must be reviewed by an operator before a PCN is issued.

Parking Enforcement

2.3.11 Equipment that can be used for the enforcement of parking contraventions via CCTV is regulated by the Traffic Management Act 2004 and the associated legislation. The 2004 Act provides a system approval scheme for CCTV systems used for parking enforcement known as "Approved Device Certification". From 31 March 2009 all systems used for the enforcement of parking contraventions must be certified by the Department for Transport (or its appointed agents) under this scheme. The scheme specifies how changes in the system must be carried out and recorded.

Bus Lanes

2.3.12 Unlike Parking Enforcement, there is no requirement for an approved device under London Local Authorities Act 1996. The 1996 Act requires that the equipment be a prescribed device, described in the Road Traffic Offenders Act 1988 (as amended) as:

"a camera designed or adapted to record the presence of a vehicle on an area of road which is a bus lane or route for use by buses only."

It is therefore the responsibility of each enforcing authority to ensure that the equipment they use fits within the description of the 1988 Act.

2.3.13 If bus lane enforcement is being performed under the Transport Act 2000 then an approved device is required. Approval is similar to that for parking enforcement except that the system must additionally comply with the Bus Lanes (Approved Devices) (England) Order 2005.

2.3.14 Authorities should also be mindful of the possibility for harmonisation of legislation under the Traffic Management Act when specifying camera systems for bus lanes.

Moving Traffic

2.3.15 There is currently no specific legislation governing CCTV equipment that can be used for the enforcement of moving traffic contraventions.

2.3.16 Authorities should be mindful of the requirements of systems used for parking enforcement when carrying out moving traffic enforcement and should consider their features as an indication of the requirements of systems that would be considered fit for purpose. That is not to say however that a system used for moving traffic enforcement under the London Local Authorities and Transport for London Act 2003 must conform to or be approved by the Department for Transport.

2.3.17 Authorities should also be mindful of the possibility for harmonisation of legislation under the Traffic Management Act when specifying camera systems for moving traffic enforcement.

2.4 Operation of the System

Monitoring of Traffic

2.4.1 Only properly trained and qualified operators (see section 2.9 – Operating Personnel) will operate the system.

2.4.2 A contravention of traffic regulations will be identified depending on whether the system is attended or unattended.

2.4.3 Contraventions will be identified from attended systems by monitoring the screen and operating the cameras in real time. The operator must obtain the most effective images of a vehicle and its surrounding circumstances at the time when any contravention may be occurring. Contraventions must be identified at the time when they are committed. Pre-recorded video images will not be studied to identify contraventions committed at some earlier time.

2.4.4 Unattended systems identify contraventions automatically and store them for later processing. Such images must be verified by operators prior to notices being issued.

2.4.5 When a non traffic ‘incident’ is caught on camera, operators will follow procedures agreed locally with the police and other scheme partners. All such incidents are to be recorded on a Control Room Log Sheet. An example of this document, which can also be used to record equipment faults, is included in Appendix 2.

2.4.6 When a contravention is observed using an attended system and sufficient evidence has been recorded, the operator will record the time and sufficient vehicle identifier information in an electronic or handwritten logbook or by utilising approved audio equipment (see 2.3.13). The operator will then continue monitoring. An example of the layout for a Camera Enforcement logbook is included in Appendix 3.

Issue of Penalty Charge Notices (PCNs)

2.4.7 The Secretary of State recommends that all PCNs should be issued within 14 days of the contravention. A PCN should be sent by first class post and must not be sent by second class post. Any notice served by first class post is deemed to have been served on the second working day after posting unless the contrary is proved.

2.4.8 Reasons for not serving the PCN within 14 days should be restricted to those that are outside of the control of the authority, for example where details from the DVLA have not been received in time.

2.4.9 In any case, PCNs must be served within 28 days of the date of contravention unless keeper details have not been received from DVLA.

Representations

2.4.10 With regard to bus lane contraventions, formal representations specifically concerned with the issue of any Penalty Charge Notice (PCNs) from this system can only be made once the Enforcement Notice has been issued to the keeper of the vehicle. An Enforcement Notice will seek details of any Police Notice of Intention to Prosecute (NIP), which may have been issued in relation to the same alleged infringement. With regard to moving traffic contraventions formal representations can be made once the Penalty Charge Notice has been issued to the keeper of the vehicle.

2.4.11 In all cases, the enforcing authority must consider the representations and, if it does not accept them, issue a Notice of Rejection. If the keeper is not satisfied by this outcome, there is a right of further appeal to the independent adjudicators at the Parking and Traffic Appeals Service (see section 2.6 – Guidelines for Appeals).

2.5 Retention and Use of Evidence

Ownership, copying and release of recordings

2.5.1 All recordings are the property of the Authority operating the scheme and may not be copied or released from the Control Room or from secure storage without the formal written agreement of the Senior Officer nominated in Appendix 1 paragraph 5. A copy of the section of footage, relevant to a particular contravention, will only be released:–

- to the appellant in whatever means the authority deems appropriate
- to the Parking and Traffic Appeals Service (and copied to the appellant)
- to the Police
- to Lawyers acting for appellants in Traffic Appeals
- to Lawyers acting for defendants/victims in connection with criminal proceedings
- to a third party prosecuting authority, such as Customs & Excise or the Health & Safety Executive.
- by court order, in connection with civil proceedings
- in the case of VHS video and DVD’s, to be magnetically erased and properly disposed of after twelve cycles of use. Authorities and any of their agents undertaking the disposal should ensure safe destruction. They should also keep recordings for an adequate amount of time in line with the policy of the authority.

2.5.2 Recordings (or copies of a section of a recording) will only be released over signature to representatives of the above organisations after proof of identity. Recordings (and copies of recordings), which are released, remain the property of the Local Authority. Any recording released to the Police will be dealt with by the Police as an exhibit and shall not be used for anything other than the purpose specified and identified when released to the Police. A detailed record must be kept of the recording (or section of it) that has been released and the reason for its release.

2.5.3 The Local Authority will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

2.5.4 Under no circumstances will recordings be released to members of the public except as per section 2.5.15 below, or to media or other commercial organisations except where

such recordings are to be used for educational or training purposes or where release is required under relevant legislation.

2.5.5 Recorded material will only be used for the purposes defined in this Code of Practice and will only be accessed as defined in this Code of Practice. In no circumstances will recorded material (or any copies or still prints generated from it) be sold or lent for any purpose other than those set out above. Copyright of all recorded material and stills printed from such material remain totally with the operating authority.

Viewing of recording media

2.5.6 A person who has received a PCN or the keeper of the vehicle is entitled to view that section of the media recording showing the contravention for which the PCN was issued. Viewing of videotapes, DVD's or other recording medium, will only be arranged following formal agreement of the Senior Officer nominated in Appendix 1 paragraph 5. Viewing of the media evidence should be arranged as soon as possible after a request has been made by the person in receipt of the PCN. The viewing area should not only be secure, but it should be designed and laid out so that only those in the viewing room can see the images. A still image may be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of media evidence. Authorities may agree to send the media recording to the keeper of the vehicle upon request, which may incur a small cost. Recordings may also be viewed on-line if the authority has this facility. The PCN number and VRM would need to be entered to activate this service.

2.5.7 Viewing of recordings will only be permitted in the following circumstances:–

- to support the issue of a PCN
- as an alternative to releasing a recording to one of the parties nominated in paragraph 2.5.1 above
- as part of internal audit, review or disciplinary procedures
- as part of the training process for control room staff
- for education and road safety training.

2.5.8 Viewing of recordings will only take place in a secure area except where the recipient of the Penalty Charge Notice or his nominated agent has specifically signed a waiver stating otherwise. This waiver will only be valid for viewings by the recipient or his agent. Whether in a secure area or not, the viewing will be supervised by properly authorised staff. Only the 'working media' recording will be viewed. 'Evidence media' recordings will not be viewed.

2.5.9 The person supervising the viewing must enter full details of the event in the Control Room Records including:–

- time, date and location of viewing
- the serial numbers of all tapes or discs viewed, the sections of those tapes or discs which were viewed (using the start and finish frame numbers) if applicable
- the reasons for viewing each tape or disc
- details of the people present at the viewing.

2.5.10 In the case of digital storage media it is sufficient for the system to log, with the video image:

- time, date and location of viewing
- the reasons for viewing
- details of the people present at the viewing.

2.5.11 These records should be subject to regular audit, at least once a year, by officers specified in Appendix 1, paragraph 7.

Still Images

2.5.12 Still images must be provided in accordance with the relevant legislation. Notwithstanding this, authorities should include such still images on the PCN to show sufficient grounds for the PCN being issued. Still images should be sent upon request. No charge is to be made for the provision of such images. The image then becomes the property of the person who received the PCN. All other still images will remain the property of the operating Authority.

2.5.13 A still image is a print onto paper of the picture held on a single field or frame of the video recording. The equipment will be used to generate these still images and each image produced will contain its unique frame number and the time (HH MM SS) and date (DD MM YY – or similar format) of the occurrence.

2.5.14 Still images will only be generated at the discretion of the Senior Officer indicated in Appendix 1 paragraph 5 and only for the following purposes:–

- to support the issue of a PCN
- as evidence for an Appeal
- if the Police or other organisation with appropriate authority request such an image with detailed written reasons for their request.

2.5.15 Each still image will be given a unique serial number and will be logged and accounted for at all times. Still images will only leave the Control Room when requested by the recipient of the relevant PCN or signed out as evidence in the possession of the Police or other relevant organisation.

2.5.16 Still images produced outside the normal progression of a case must only be made by properly authorised staff, and must be logged and auditable.

2.5.17 Still images, which are no longer required, are to be destroyed in the Control Room and the destruction of each image will be recorded in the Control Room records.

2.5.18 The procedure for production, release and destruction of still images will be subject to regular audit.

2.6 Guidelines for Appeals

The Appeal Form

2.6.1 The relevant appeal form, as produced and supplied by the Parking and Traffic Appeals Service, must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority.

2.6.2 The official use box must be completed by an authorised official of the enforcing authority. This must state the PCN number, the Vehicle Registration Number, the name of the keeper to whom the Notice of Rejection was sent and the date the Notice of Rejection was sent. This information must be completed for an appeal to be registered and enables the appeal service to check that the right person is lodging an appeal and that it has been submitted in time.

2.6.3 Evidence should be submitted to PATAS at least seven days before the hearing date and must also be sent to the appellant.

2.6.4 The following items will be required as mandatory evidence by the Traffic Adjudicators:

a) Authorised Officer Witness Statement – a declaration that at the time the contravention was observed, the monitoring and recording equipment used was of a

type approved by the Secretary of State and was in full working order. Examples of Authorised Officer Witness Statements that should be used for parking contraventions and bus lane contraventions are included in Appendices 5 and 6 respectively. The Authorised Officer Statement also includes details of the evidence that is being produced (e.g. stills from video recording) and confirmation that these were produced in accordance with the Code of Practice. In order for the Authorised Officer to sign the declaration reference should be made to the Control Room Log Sheet to determine the status of the equipment at the time at which the contravention was witnessed. An example of a Control Room Log Sheet is included in Appendix 2.

b) Copy of the Penalty Charge Notice
c) A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.

d) Copy of the Enforcement Notice (where applicable)

e) Copies of any representations made and all correspondence

f) Copy of the Notice of Rejection

g) Colour Images of the Contravention – the images must show the context of the contravention and the identification of the target vehicle. All pictures must display the location, date and time of the contravention. The Adjudicators do not expect footage except in particular cases where there is a strong conflict of evidence. If the Council produces video evidence to the Adjudicators, they must also supply the appellant with a copy. The footage for the Adjudicators must be of a type approved by PATAS however the footage for the appellant must be in a format agreed with the appellant. Even if the appellant has already viewed the Council's recorded evidence of the contravention, the Adjudicator would expect to see images in evidence. A copy of the images would therefore have to be served on the appellant. A digital photograph would be acceptable, providing that the accompanying statement explains that it is a digital photograph, taken by an approved device, a true copy, not enhanced etc.

h) Certificate of Service – the evidence submitted to the Adjudicator must be accompanied by a certificate confirming that the appellant has been sent copies of the evidence submitted to the Adjudicator not less than 7 days before the hearing. This requirement is in line with Article 6 of the Human Rights Act 1998. The evidence copied to the appellant must be in the same format as that submitted to the Adjudicator.

2.6.5 The list above is not exhaustive. As with any case, the Adjudicator may ask for other forms of evidence not mentioned above. The Councils will be given at least 21 days notice to submit evidence for Appeals.

<u>Witness Attendance at an Appeal Hearing (Bus Lane Appeals)</u>

2.6.6 Paragraph 7 (6) of Schedule 1 of the London Local Authorities Act 1996 relating to bus lane contraventions, states that documentary evidence as described above will not be admissible if the appellant, not less than 3 days before the hearing (or such other time specified by the Adjudicator) serves a notice on the Council requiring attendance at the hearing of the person who signed the document. The Adjudicators have taken this to mean that if the appellant does not accept such evidence as provided in written or photographic format by the Council, and if the Council wishes to proceed with the appeal, the person who provided the evidence may have to attend the hearing. The Council must inform the appellant that he/she can require the attendance at the hearing of the person

who signed the Authorised Officer Witness Statement. The Adjudicator may also direct the attendance of a witness at a hearing if he considers it necessary. A copy of the suggested wording, which should be used to inform the appellant that they have the opportunity to request the attendance of the person signing the Authorised Officer Witness Statement, is included in Appendix 6. This paragraph should be included in the Notice of Rejection sent to the Appellant. This requirement only applies to bus lane appeals and does not apply to appeals for parking or moving traffic contraventions.

2.7 Security of Operations

2.7.1 The CCTV traffic monitoring, recording and storage operations will be carried out in a secure environment.

2.7.2 Visitors may only access the Control Room when authorised by the Senior Officer indicated in Appendix 1 paragraph 6.

2.7.3 A log detailing all events and visits should be maintained in the Control Room.

2.7.4 If the Control Room is left unattended for any amount of time, no matter how short, the monitoring, storage and control room equipment must be securely locked and inaccessible to any unauthorised person. Any alternative secure storage room must be subject to the same conditions of attendance.

2.7.5 Technical, maintenance and repair work will only be carried out with the authorisation of a responsible officer or agent of the authority.

2.8 Procedures Manual

2.8.1 A Control Room Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the Control Room at all times. Access to that manual shall be restricted to officers who have responsibility for operating the system. The manual will be regularly updated to reflect current agreed practice.

2.9 Operating Personnel

<u>Responsibilities</u>

2.9.1 Management responsibility for the operation of the system and observance of this Code of Practice and Control Room Procedures Manual resides with the Officers listed in Appendix 1 Paragraph 7.

2.9.2 All staff operating the system will be responsible for working in full accord with this Code of Practice and the Control Room Procedures Manual. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they have been trained in and understand the Code of Practice and the Procedures Manual. Breaches of this Code of Practice or of the Procedures will result in disciplinary action.

<u>Selection and Training</u>

2.9.3 All personnel permitted to operate the System will be selected in accordance with the Employer's Standard Recruitment Procedures for personnel who are obliged to work to rules of confidentiality.

2.9.4 They will be fully instructed in their responsibilities and role in operating CCTV.

2.9.5 All staff undertaking enforcement of parking and traffic regulations using CCTV cameras must have successfully completed an approved training course. A list of the courses that have been approved for this purpose is contained in Appendix 9.

2.9.6 Training will include: -

- all aspects of this Code of Practice
- all aspects of Control Room Procedures
- all aspects of equipment operation
- system audit procedures
- issue of PCNs
- knowledge of the areas of application in the Borough
- the necessary underpinning knowledge of Traffic Law
- Health & Safety

2.9.7 Full records of training and of assessments of competence will be kept according to the Employer’s Standard procedures.

2.9.8 Operators will only be permitted to operate the system unsupervised when they have proved their competence according to the Employer’s Standard Procedures.

Appendix 1

Particulars of Operating Authority

1 Authorities responsible for the Scheme in the London Borough of Hammersmith & Fulham

- London Borough of Hammersmith & Fulham
- Metropolitan Police
- Transport for London

2 Local Addresses at which the Code of Practice can be inspected

- LBHF reception, **1st floor**, Town Hall Extension, King Street, London W6 9JU
- www.lbhf.gov.uk/Directory/Transport_and_Streets/Parking/homepage.asp

3 Addresses at which Annual Reports may be inspected

- Traffic Management and Road Safety Group, Environment Department, 5th Floor, Town Hall Extension, King Street, London W6

4 Address to which queries and complaints about the scheme should be sent

- LBHF Parking Services
  PO Box 67734
- London
  W6 6FW

5 Officers who can authorise copying and release of Video

- D. Taylor, Head of Parking Services.
- O. Ezekiel, Assistant Head of Parking Services.
- A. Radisic, CCTV Manager (Parking Services).
- V. Junkere, Correspondence Manager (Parking Services).
- M. Ayamah, Customer Services Manager (Parking Services).

6 Officers who can authorise access to Control Room

- D. Taylor, Head of Parking Services.
- O. Ezekiel, Assistant Head of Parking Services.
- A. Radisic, CCTV Manager (Parking Services).
- V. Junkere, Correspondence Manager (Parking Services).
- M. Ayamah, Customer Services Manager (Parking Services).
- 4 x CCTV Supervisors.

7 Officers responsible for operation of the system and observance of the Code of Practice:

- D. Taylor, Head of Parking Services.
- O. Ezekiel, Assistant Head of Parking Services.
- A. Radisic, CCTV Manager (Parking Services)

Overall responsibility:

- D. Taylor, Head of Parking Services.

Responsibility for day-to-day operations:

- A. Radisic, CCTV Manager (Parking Services).

Responsibility for Training:

- D. Taylor, Head of Parking Services.
- O. Ezekiel, Assistant Head of Parking Services.
- A. Radisic, CCTV Manager (Parking Services)

Appendix 2

Example CCTV Control Room Log Sheet

Date :____________________

Name of Camera Operator	Camera Number	Camera Location	Start Time	Finish Time	Comments / Equipment Faults

Name of Control Room Supervisor………………………………………..

Signature………………………………………………………………

Appendix 3

Example CCTV Enforcement Log

Date……………………….. Camera Operator…………………………………. Sheet No……..

Time	Location	Camera	V.R.M.	Make	Colour	Input	D Check
16.18	R	807	H568 GRQ	Ford	White		
16.23	R	807	D456 PRT	Toyota	Red		
16.23	R	849	F398 DVW	BMW	White		
16.24	R	849	K533 RPY	Nissan	Blue		
16.25	B	127	H567 HRT	VW	Green		

Appendix 4

Authorised Officer Witness Statement (Parking Contraventions)

[Appellant] v [Council]
PATAS Case No:
PCN No:

I, [Name] am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from media]. I certify that these were produced [describe circumstances in which they were produced: e.g. stills from a media recording] made by a CCTV camera located at [location] on [date].

I further certify:

1. that this/these was/were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the monitoring and recording equipment used at the location and time specified is an approved device under Article 2 of the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed………………………………...

Name…………………………………. Position………………………………………….

Appendix 5

Authorised Officer Witness Statement (Bus Lane Contraventions)

[Appellant] v [Council]
PATAS Case No:
PCN No:

I, [Name] am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from media]. I certify that these were produced [describe circumstances in which they were produced: e.g. stills from a media recording made by a CCTV camera located at [location] on [date].]

I further certify:

1. that this/these was/were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the monitoring and recording equipment used at the location and time specified is a prescribed device under Section 20(9) of the Road Traffic Offenders Act 1988 (as amended);
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed………………………………..

Name…………………………………. Position………………………………………….

Appendix 6

Authorised Officer Witness Statement (Moving Traffic Contraventions)

[Appellant] v [Council]
PATAS Case No:
PCN No:

I,[Name], am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from recorded media]. I certify that these were produced [describe circumstances which they were produced: e.g. stills from a media recording made by CCTV camera located at [location] on [date].

I further certify:

- that this / these was / were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
- that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed………………………………...

Name…………………………………. Position………………………………………….

Appendix 7

Right to Request the Attendance at Appeal of the Person Signing the Authorised Officer Witness Statement

The following is a suggested wording for inclusion with Bus Lane appeals.

> "If you appeal, we will send you a copy of all our evidence as soon as possible. We must provide you with a copy of any video, photograph or digital image that we want the Traffic Adjudicator to consider, at least seven days before the scheduled date of the hearing. We must also send you a certificate as to the circumstances in which the video etc was produced and another that the device used to produce it was approved by the Secretary of State. These certificates will normally be fairly standard. However if you serve a notice on us, not less than three days before the hearing date, we cannot rely on such evidence without the person(s) who signed them attending. The three-day limit may be varied by the Traffic Adjudicator in special circumstances."

Please note that this notification is only required for bus lane appeals and is not required for appeals for parking or moving traffic contraventions.

Appendix 8

Glossary of Terms

The Code of Practice refers to the following terms:

Agency	An Agency is an organisation responsible for implementing, operating and maintaining a CCTV scheme and or CCTV system. Each Agency can be responsible for one or more CCTV schemes and one or more CCTV systems. Agencies may enter into partnership to implement a CCTV scheme and or CCTV system. Agencies, whether acting alone or in partnership, are responsible for ensuring that all operators of their CCTV schemes and CCTV systems comply with the relevant legislation.
Approved Device	A CCTV system approved by the DfT under the Traffic Management Act 2004 for use in the enforcement of parking contraventions.
Bus lane contravention	Contravention of a traffic order pertaining to a bus lane in London enforceable under the London Local Authorities Act 1996.
CCTV scheme	The method, policy and operations under which an agency runs a CCTV system.
CCTV system	The physical infrastructure that is used to implement a CCTV scheme. One CCTV system can be used by more than one CCTV scheme.
Contravention	A breach of the legislation under which the CCTV scheme is in place to enforce.
Data Controller	A Person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed. The CCTV schemes covered by this Code of Practice may have single, joint or in common Data Controllers depending on the agreement each agency has and the use of the images involved. For the purposes of this Code of Practice, the Data Controller is defined as the Agency who is actually using the images at any given time to gather or record data which in turn will actually be deemed to be Personal Data. The Data Controller may differ from the CCTV Scheme Operator. At any given time there may be none or several Data Controllers.
Data Processor	Used in relation to Personal Data and means any person (other than the employee of the Data Controller) who processes the data on behalf of the Data Controller.
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
Footage	Data represented in a moving visual form that may constitute Personal Data.
Image	Data represented in a still visual form that may constitute Personal Data.
Moving traffic contravention	Contravention of a traffic order or non-compliance with a sign enforceable under the London Local Authorities and Transport for London Act 2003.

NIP	see Notice of Intended Prosecution
Notice of Intended Prosecution	A notice served by the police on a person in respect to an offence. In this Code of Practice, this relates solely to NIPs served under section 54(2) or (4) of the Road Traffic Offenders Act 1988 in respect of a bus lane offence.
Operator	A person who gathers images for the purpose of their contractual employment. Each operator is responsible for complying with the Data Protection Act (1998). An operator may work with more than one CCTV Camera Scheme.
Parking and Traffic Appeals Service	The independent tribunal in London for adjudicating parking, bus lane and moving traffic contraventions.
Parking contravention	Contravention of a traffic order or other relevant London legislation enforceable under the Traffic Management Act 2004.
PATAS	Parking and Traffic Appeals Service
PCN	Penalty Charge Notice
Penalty Charge Notice	A notice served under appropriate legislation alleging a contravention.
Personal Data	Data which relates to a living individual who can be identified: (a) from those data, or (b) from those data and other information which is in the possession of, or likely to come into the possession of, the Data Controller, and includes any expression of opinion about the individual and indication of the intentions of the Data Controller or any other person in respect of the individual.
Prescribed Device	A CCTV system, or part of a CCTV system, prescribed by the relevant government body for a specific use. In terms of this Code of Practice, this relates solely to bus lane enforcement under the London Local Authorities Act 1996.
Registered Keeper	The person registered with the DVLA as being the keeper of the vehicle.
Searching / Hunting	The process of using a CCTV Camera without due cause. The CCTV User may be either looking for something to view or capturing a CCTV Image for personal use. CCTV Camera Users must not use CCTV Cameras for the purpose of Searching / Hunting.

Appendix 9

London Councils TEC Approved Training Courses for CCTV Operators

Course title	Training providers	Date of Approval
BTEC Level 2 Intermediate Award in CCTV Camera Enforcement	London Borough of Croydon(*), London Borough of Camden (**)	December 2003
CCTV Traffic Enforcement BTEC Unit (Anyone taking this training course will have to have already successfully completed TAVCOM's CRO1 and CRO2 modules which provide them with control room operators training.)	TAVCOM	August 2004
VINCI Park CCTV Enforcement Training Programme	VINCI Park	January 2006
NCP Services CCTV Traffic Enforcement Course	NCP Services	September 2008
City and Guilds Level 2 Award for Parking Enforcement Officers. Unit 205- Roles and Responsibilities of CCTV Enforcement Officers Operating Under Traffic Management Legislation	Various including Camden	January 2012

(*) The London Borough of Croydon no longer runs this course but officers with the qualification are still approved for the purposes of CCTV enforcement.

(**) The London Borough of Camden no longer runs the BTEC course and now run the City and Guilds Level 2 Award. Officers with the previous BTEC Level 2 qualification are still approved for the purposes of CCTV enforcement.